

This order is SIGNED.

Dated: February 1, 2017



**R. KIMBALL MOSIER
U.S. Bankruptcy Judge**



Order prepared and submitted by:

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Counsel for ZAGG Inc

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

LORENCE A. HARMER,

Debtor.

Address: 6121 Verness Cove, Holladay, UT 84121

Last four digits of SSN: 5730

Bankruptcy Case No. 17-20057

Chapter 7

Honorable R. Kimball Mosier

**ORDER GRANTING MOTION OF ZAGG INC.
FOR RELIEF FROM AUTOMATIC STAY**

The Motion of ZAGG Inc (“ZAGG”) for Relief from Automatic Stay [ECF 6] (the “Motion”) came before the Court for hearing on February 1, 2017 at 10:00 a.m. Appearances were made as noted on the record of the hearing on the Motion. The Court made its findings and conclusions on the record of the hearing, which findings and conclusions are hereby incorporated into this order by this reference. Now, therefore,

IT IS HEREBY ORDERED as follows:

1. The Motion is granted and the automatic stay in this case is terminated so that ZAGG may take any or all of the following actions:

- a. Continue the legal process of evicting the Debtor, Laurence A. Harmer (“Harmer”) from the residential property located at 6121 Verness Cove, Holladay, Utah 84121 (the “Residence”);
- b. Exercise ZAGG’s rights as to the Residence, including: (i) to remove Harmer and his invitees from the Residence and exercise ZAGG’s rights as to the Residence; and (ii) to complete the Unlawful Detainer Proceeding designated as Case No. 160906003 in the Third District Court in and for Salt Lake City, Utah (the “Unlawful Detainer Proceeding”): (A) to obtain and seek entry of a judgment for damages and attorney’s fees; (B) to dispose of Harmer’s pending motion to have ZAGG’s judgment declared satisfied; and (C) to continue and determine any additional proceedings in the Unlawful Detainer Proceeding or any appeals thereof; and
- c. To any extent the automatic stay bars continuation of the Unlawful Detainer Proceeding against DCN Properties, LLC or Harmer’s wife Elizabeth, continue the Unlawful Detainer Proceeding, including any appeals, as to DCN Properties, LLC or Elizabeth Harmer.

2. Although ZAGG is granted relief from the stay as set forth in Paragraph 1 of this Order, relief from the automatic stay is not granted for ZAGG either: (a) to enforce its judgment or any additional damages awarded to ZAGG against property of Harmer’s bankruptcy estate (other than to exercise its rights as to the Residence,

including to remove Harmer and his invitees from the Residence) or (b) to continue other pre-bankruptcy litigation between Harmer and ZAGG.

3. This Order is effective immediately upon entry and is not stayed as provided in Federal Rule of Bankruptcy Procedure 4001(a)(3).

---END OF ORDER---

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing ORDER GRANTING MOTION OF ZAGG INC. FOR RELIEF FROM AUTOMATIC STAY shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users.

- Armand J. Howell armand@hwmlawfirm.com, megan@hwmlawfirm.com; armandh@ecf.courtdrive.com
- Mary M. Hunt tr hunttrustee@dorsey.com, hunt.peggy@dorsey.com; UT18@ecfcbis.com
- Steven J. McCardell smccardell@djplaw.com, khughes@djplaw.com
- Brennan H. Moss bmoss@padrm.com, ktaylor@padrm.com
- Theodore Floyd Stokes ted@stokeslawpllc.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

By U.S. Mail - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

Elizabeth Harmer
6121 Verness Cove
Holladay, UT 84121

David G. Turcotte
8178 Gorgoza Pines Road
P O Box 982584
Park City, UT 84098

Brennan H. Moss
Benjamin M. Nelson
Pia Anderson Moss Hoyt
136 East South Temple, Suite 1900
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Shawn H. Robinson
Skeen & Robinson
5788 South 900 East
Salt Lake City, UT 84121

_____/s/ Steven J. McCardell